

Exhibit

3



Joseph A. Dunne
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April 11, 2019

VIA FEDEX and EMAIL: sara.alma@totalprestigemagazine.com

Ms. Sara Alma
TotalPrestige Inc.
1133 Broadway
New York, NY 10010

**Re: Glynn v. TotalPrestige Inc.
Our File No.: 00248-0022**

Dear Ms. Alma,

We write on behalf of our client Bryan E. Glynn, a photographer, for purposes of resolving a case of copyright infringement against you by our client. This demand is privileged from disclosure pursuant to FRE Rule 408.

Please provide this letter to your general liability insurance carriers or other providers of insurance that may cover this claim.

Bryan E. Glynn ("Glynn")

Glynn is an experienced professional photographer. Glynn is a master of lighting with extensive experience in using both natural light and flashes to get spectacular results in any environment. Glynn also is the founder of CigarObsession (at www.cigarobsession.com) and the producer of one of the most popular cigar video review YouTube channels.

Over the years, Glynn has worked in different areas of photography including architecture, weddings, models, landscapes, concerts, sports, and tabletop. Glynn has won many awards, both local and National, and his photographs have been published in magazines and newspapers across the country. Glynn's work can be identified at a glance for its crisp almost 3D look without using HDR; instead he uses off camera flash for dimension and pop, especially in his product work, which produces incredible details and dimension that stand out like a fingerprint for clients.

Glynn retains all copyrights to his photographs. Glynn licenses his copyrighted Works, such as the one in this case, for commercial use.

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In 2017, Glynn created an image entitled "150806ghmrc0001", hereinafter referred to as the "Work."

The Work at issue is shown below.



Glynn registered the Work with the Register of Copyrights on January 21, 2017 and was assigned the registration number VAu 1-271-409, a copy of which is enclosed.

Infringement by TotalPrestige Inc. ("TotalPrestige")

The infringement at issue was identified on January 10, 2019. We have enclosed contemporaneous evidence of the infringement by TotalPrestige. In addition to the infringement, Glynn's photograph was very obviously cropped as shown on the attached.

You have employed our client's Work in at least the manner indicated in the evidence attached. Your unauthorized use commenced on at least the date indicated above. You are fully aware that the Work you used is our client's Work. No one from your company ever sought a license from our client to use the Work for any purpose.

You have copied, displayed and distributed our client's Work without permission, license or consent. The use of a creator's photographic image without written consent or

Ms. Sara Alma
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April 11, 2019
Page 3

license violates the United States Code, Title 17, and The Copyright Act. The Copyright Act provides for entry of an injunction directing removal of the offending materials pending litigation. This letter shall serve as formal notice that you immediately cease and desist all unauthorized uses of our client's Work. Any such further uses shall be at your peril.

If you possess a contract, license, agreement or writing on which you will rely for authorization of your use of our client's Work, please provide us with this evidence so we may avoid further controversy or litigation. Otherwise, we will be forced to assume that your use violated the law.

Damages

Copyright law provides several different elements of compensation to Glynn when a work is infringed or altered. Section 504 permits Glynn to recover actual damages plus "any additional profits of the infringer that are attributable to the infringement and are not taken into account in computing the actual damages," or statutory damages of up to \$150,000 per work infringed if the registration predated the infringement. Glynn can present both damages theories to the jury and select the higher award any time prior to entry of judgment.

Academic studies have demonstrated that the use of good quality photographs more effectively market and advertise products and drive sales. Glynn's photographs are of the highest quality. Glynn's photographs are also scarce since he is one of the only sources of such quality photographs.

Glynn's damages are not limited to what he would have agreed to license the Work for prior to the infringement. Rather, Glynn's actual damages will be measured by the fair market value of the photograph considering TotalPrestige's use to sell and promote its business. Glynn's actual damages must be measured in light of TotalPrestige's use of Glynn's high quality and unique Work.

This is consistent with federal courts' approach to broadly construing the term "actual damages" to favor victims of infringement. See, e.g., *Davis v. Gap, Inc.*, 246 F.3d 152, 164 (2d Cir. 2001). The fair market value approach for calculating damages is an accepted approach to valuing the defendants' uses of photographs. See *Leonard v. Stemtech Int'l, Inc.*, Nos. 15-3198, 15-3247, 2016 U.S. App. LEXIS 15565 (3d Cir. Aug. 24, 2016). In addition, Glynn can offer evidence of the actual cost to take the photograph infringed on a time and materials basis.

Section 504 of the Copyright Act permits Glynn to recover actual damages plus "any additional profits of the infringer that are attributable to the infringement and are not

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TotalPrestige Inc.
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taken into account in computing the actual damages." Therefore, Glynn will also be entitled to TotalPrestige's profits from the infringement, based upon the revenue TotalPrestige earned in connection with the use of Glynn's Work.

Alternatively, Glynn could seek statutory damages for infringement in an amount of up to \$30,000 per work infringed if the registration predated the infringement. There is also the possibility that a judge or jury could determine that TotalPrestige's infringement was willful. If TotalPrestige's infringement was shown to be willful, the statutory damage award would increase to an amount up to \$150,000 per work infringed.

Demand

In order to determine how to proceed, please provide us with information and documents showing:

1. the full nature and extent of the use of our client's Work, in any and all formats;
2. representative copies in any and all tangible form and media in which our client's Work was incorporated or employed; and
3. the source of the Work.

Upon receipt of this information we will consider and determine an appropriate amount required to be paid to our client in compensation.

Please carefully consider this letter and the associated exhibits and provide them to your attorneys and insurance carriers. If we do not receive a response from you or a representative by April 25, 2019, we will take further steps to protect our client's rights. We look forward to your prompt response.

Sincerely,

SRIPLAW



Joseph A. Dunne

JAD/jcj
Enclosures

Certificate of Registration



This Certificate issued under the seal of the Copyright Office in accordance with title 17, *United States Code*, attests that registration has been made for the work identified below. The information on this certificate has been made a part of the Copyright Office records.

Acting United States Register of Copyrights and Director

Registration Number

VAu 1-271-409

Effective Date of Registration:
January 21, 2017

Title

Title of Work: Cigar Photographs

Completion/Publication

Year of Completion: 2017

Author

- Author: Bryan Glynn
- Author Created: photograph
- Work made for hire: No
- Citizen of: United States
- Domiciled in: United States
- Year Born: 1974

Copyright Claimant

Copyright Claimant: Bryan Glynn
5318 Bob White Dr, Holiday, FL, 34690

Rights and Permissions

Name: Bryan Glynn
Email: bryan@bgpictures.com
Telephone: (727)946-1000
Address: 5318 Bob White Dr
Holiday, FL 34690

Certification

Name: Bryan E. Glynn
Date: January 21, 2017

Copyright Office notes: Basis for Registration: Unpublished collection

The World's Most Expensive Cigars

Home (<https://www.totalprestigemagazine.com>) / The World's Most Expensive Cigars



Amazing Light Set

Lightailing li
sale now, it's
up your logo

ARTICLES

In the past, Cigars were so valued to the extent of been shared as a gift by the father of a newborn baby to the guest in some cultures. However, while this culture may seem not to exist anymore, the relevance of Cigar among the well-to-do continue to rise as a sign of power and wealth – speaking of the expensive cigars though.

Expensive cigars are created from a delicate process and consequently makes them few and much sought-after in the market. It will interest you to know that some cigars can be as expensive as several thousands of dollars. In case you doubt our claim, check out the world five most expensive cigars in our exciting piece. Enjoy reading!

Gurkha His Majesty's Reserve



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Like the name suggests, this Cigar is royal to hold and only sold to the world-elites. The 7.5 by 52 inches' luxurious cigar is wrapped with a 15 years old Connecticut Maduro wrapper while the filler – laced with aromatic Louis cognac VIII – is usually more than a decade old and, so does the binder too. Both filler and binder are made from the Dominican Republic.

So, why is it exactly the fifth most expensive Cigar in the world? Simple, only 100 boxes of the Gurkha His Majesty's Reserve cigar are created every year, and each wrap will cost you nothing less than \$750 while a complete box costs \$14,999.

Gurkha Black Dragon



(<https://www.totalpresmagazine.com/the-worlds-most-expensive-cigars/>)

The New Porsche 911 (992) (A design icon and high-end car with the latest Porsche design DNA, v

(<https://www.totalpresmagazine.com/the-new-porsche-911/>)

A design icon and high-end car with the latest Porsche design DNA, v



(<https://www.totalpresmagazine.com/the-new-porsche-911/>)

Rolex Oyster Perpetual (A design icon and high-end car with the latest Porsche design DNA, v

(<https://www.totalpresmagazine.com/the-new-porsche-911/>)

Perfect for Criss-crossing, the Oyster

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(<https://www.totalpres>

APOGEE YACHT
(<https://www.totalpres>

205 ft / 62.5 m For sale
only one owner since i

Another piece from the Gurkha brand makes the fourth position in the list by the name Gurkha Black Dragon which cost an astonishing \$23,000 for a single box. Each wrap is made with a Cameroonian Binder, a Connecticut Broadleaf Maduro, and a Dominican filler.

This cigar is 8.5 by 52 inches in dimension, and made to emit a sour flavor at one point, then sweet taste at another point while smoking. Each wrap is packed with an orange velvet layer and then placed in a box made of camel bone.

King of Denmark

>



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(<https://www.totalprestigemagazine.com/the-worlds-most-expensive-cigars/>)

Most Expensive Cigars in the World

(<https://www.totalprestigemagazine.com/the-worlds-most-expensive-wines/>)

Needless to say that we are talking about the most expensive items in the world in contextual terms. This

Don't get overwhelmed by the name. However, while individuals are allowed to purchase this expensive cigar, only kings and wealthy individuals will be ready to shed out \$4,500 per wrap – this price makes it the third costliest Cigar in the world. Apart from the mouth-watering cost, King of Denmark can be customized with the buyer's name using a gold, diamond or any other luxurious metals. This cigar is royal in appearance with a sterling silver crown plated with excellently cut 24k gold at its head. However, an extra humidor can be added at another astonishing cost of \$8,500.

Gran Habano No.5



The nicknamed "El Gigante" Gran Habano No. 5 holds the position of the second to the most expensive Cigar in the world at an astonishing cost of \$185,000. The giant nickname given to it is not a mere word as a single Gran Habano No. 5 wrap can



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weigh as much as 1,600 pounds holding 1,920 rings. For better clarity, with this size, it is believed that about forty individuals will be able to smoke the "El Gigante" conveniently.

Mayan Sicars



(<https://www.totalprestigemagazine.com/the-worlds-most-expensive-cigars/>)

The World's Most Expensive Cigars (<https://www.totalprestigemagazine.com/the-worlds-most-expensive-cigars/>)

(<https://www.totalprestigemagazine.com/the-worlds-most-expensive-cigars/>)

In the past, Cigars were the father...

Meet Mayan Sicars, the most expensive of all Cigars in the World. Mayan Sicars was last sold at a mouth-watering price of \$507,000 in an auction. The reason behind its huge cost can be attributed to only one thing; Age. The luxurious vintage Cigar is about 600 years old. Beat that!

A pot of the Mayan Sicars was discovered by the archeologists from the Tampa University. The pot was intact, and the cigars remain well preserved and unsmoked. While this historical finding is a heritage to behold, no one is bold enough yet to smoke such an ancient wrap.

Now you know which cigars commands the highest bucks in the market currently. As a lover of luxury, next time you choose to relax with a nice cigar, you should check out one among the listed expensive cigars in this piece. Have you tried any of these?

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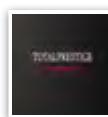
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Gurkha Black Dragon

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Manhattan Whisky

A horizontal navigation bar at the bottom of the page. It features three main links: 'BIZ WIRE' (with a thumbnail of a man in a suit), 'DMA WITH MARKETING PROFESSIONALS' (with a thumbnail of a woman in a suit), and 'Totalprestige Magazine' (with a thumbnail of a magazine cover). To the left of these links is a vertical list of categories: 'HOME', 'BUSINESS', 'TECHNOLOGY', 'LIFESTYLE', 'ARTS', 'OPINION', 'OBITUARIES', and 'CLASSIFIEDS'. Below the main links is a small note about cookies and a link to the privacy policy.



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April 26, 2019

VIA EMAIL: sara.alma@totalprestigemagazine.com

Ms. Sara Alma
TotalPrestige Inc.
1133 Broadway
New York, NY 10010

Re: Glynn v. TotalPrestige Inc.
Our File No.: 00248-0022

Dear Ms. Alma,

We write this follow up letter on behalf of our client Bryan E. Glynn, for the purposes of resolving a case of copyright infringement against you by our client. This demand is privileged from disclosure pursuant to FRE Rule 408.

Enclosed please find our prior letter dated April 11, 2019, wherein we detailed the basis of the copyright infringement claim against you, including the evidence of infringement.

We note that a review of the accused infringing webpage shows that the infringement has been removed. However, this does not dispose of our client's claim. It is imperative that you respond to us. If we do not hear back from you, we will be forced to take further steps to protect our client's rights including by filing a lawsuit against you. We also repeat our demand that you tender this claim to your insurance carrier. We look forward to your prompt response.

Sincerely,

SRIPLAW

A handwritten signature in blue ink that reads "Joseph A. Dunne".

Joseph A. Dunne

JAD/jcj
Enclosure

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